

December 7, 2018

Larry Schwartztol Counsel The Protect Democracy Project 2020 Pennsylvania Avenue, NW #163 Washington, DC 20006

Re: Protect Democracy Project

17-cv-02202 (2017-HQFO-01153/2018-HQLI-00008)

4th Interim Release

Dear Mr. Schwartztol:

This is the fourth interim response to your August 23, 2017, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) (2017-HQFO-01153).

For this month's production, DHS processed for release 476 pages. Of the 476 pages, 31 pages are released in full, 430 pages are withheld in full pursuant to 5 U.S.C 552(b)(5) and 15 pages were marked as non-responsive. The 461 pages are bates-numbered DHS-001-1153-00915 to DHS-001-1153-01375.

Sincerely,

Bradley E. White

Acting, Director FOIA Litigation

Enclosure

Withheld pursuant to exemption

(b)(7)(A);(b)(7)(E)

Withheld pursuant to exemption

(b)(5)

BITAC Unit: Civil Rights and Civil Liberties Familiarization

Office for Civil Rights and Civil Liberties Security, Intelligence, and Information Policy Section



Unit Objectives

 Describe the role of the DHS Office for Civil Rights and Civil LibertiesDescribe civil rights and civil liberties principles in the DHS Intelligence EnterpriseApply civil rights and civil liberties principles to mitigate risks associated with common scenarios



Unit Outline

✓ DHS and CRCLDefining Civil Rights and Civil LibertiesSeven Principles for Intelligence Products



Our Shared Mission

To "ensure that civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the Homeland."

6 U.S.C. § 111Section 101, Homeland Security Act of



CRCL Supports DHS

CRCL supports the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law



DHS Seal



Support to DHS Intelligence Enterprise

 Review I&A finished intelligence products for dissemination outside the federal government Conduct regular compliance assessments of intelligence information reportsAdvise and train the workforce as needed or requestedCollaborate on policy and program developmentReview information sharing agreementsAudit the Insider Threat Program



Unit Outline

 DHS and CRCLDefining Civil Rights and Civil LibertiesSeven Principles for Intelligence Products



What Rights Are At Stake?

Sources of civil rights and civil liberties standards include: U.S. ConstitutionFederal lawRegulationsExecutive OrdersPolicies



The United States Constitution



Who Is Protected?

The Constitution protects all people the U.S. Government encounters just to varying degrees.We are obligated to protect fully the legal rights of all U.S. persons.All individuals in the U.S. are presumed to be U.S. persons, unless there is specific information to the contrary.





Collaboration Best Practices

Contact us early and often! Throughout research and pre-productionDuring the formal product review processOn any project, program, initiative, or at any time



Unit Outline

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CRCL Principles for DHS Intel Products

DHS intelligence products should reflect the following principles: Violence PrincipleNo-Aspersions PrincipleEquality PrincipleDue Process PrincipleReligious Debate PrincipleGuilt By Association PrincipleAnti-Conveyor Belt Principle



CRCL Principles are Guidelines

 They highlight common issues related to civil rights and civil liberties; not every issue. They are not bright line rules; where and how an issue may arise is fact specific – so are the solutions. They are instructive, but not a checklist.



1. Violence Principle

 Products should show a clear link (nexus) between violence or criminality of particular individuals or groupsTo show a nexus, articulate the facts that demonstrate a linkage. Don't presume the reader knows what you know or assume.



Violence Principle Example

 Violent militia members share the overall militia movement's adherence to anti-government belief systems that oppose most federal and state laws, regulations, and authority. vsMilitia members typically adhere to extreme anti-government belief systems that oppose most federal and state laws, regulations, and authority.



2. No-Aspersions Principle

 Reporting should neutrally present political, religious, or ideological speech or activity and do so without negative characterizations



Neutral Conductor Symbol



No Aspersions Principle Example

1. Indicators of suspicious activity at firearm shops and ranges include unusual comments made regarding anti-US, radical theology, vague or cryptic warnings.vsIndicators of suspicious activity at firearm shops and ranges include vague or cryptic warnings that are violent in nature, statements that appear to condone violence against ethnic groups or governments, statements focused on committing violent acts in support of a particular ideology, or statements focused on committing acts of violence against the U.S. government.



3. Equality Principle

 Degree of interest (or intensity of reporting) should not be based on race, ethnicity, or religion—or appear to be so based.Personal characteristics may be reported where relevant to the central facts of the report, but the focus should remain on the individual's actions.Treat similarly situated individuals, groups, and organizations in an even-handed fashion.



Scales



Equality Principle Example

1. Unaffiliated hackers – including violent environmental extremists, violent animal rights extremists, and individuals who invoke Islam to justify their actions, as well as others – already conduct low-level cyber attacks, such as defacing web pages or propagating nuisance-level viruses.vsUnaffiliated hackers invoking Islam to justify their actions already conduct low-level cyber attacks, such as defacing web pages that they deem anti-Islamic or propagating nuisance-level viruses.



4. Due Process Principle

Reporting should separate allegations of crime from determinations of quiltAccurately report the status of allegations or charges against an individualCorrectly attribute source info, and label it as fact or opinion



Due Process Example

According to court documents, Madison, Wisconsin police arrested Lang on March 2, 2015 for reckless endangerment after he discharged his .38-caliber handgun from a motel room in which he was staying into an unoccupied room across the hall. Upon his arrest, Lang told police that he had a gun "to lay out abortionists because they are killing babies."



5. Religious Debate Principle

 Reporting should avoid taking part in religious debatesAvoid religious terms that carry multiple meanings or are subject to interpretation



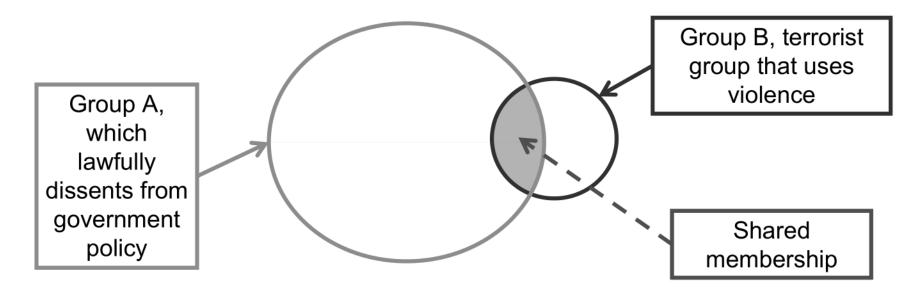
Religious Debate Example

 al Qaida's most recent edition of Inspire magazine encourages readers to commit acts of violence in the US and abroad to support "jihad" vsal Qaida's most recent edition of Inspire magazine encourages readers to join the jihad



6. Guilt By Association Principle

 Reporting should not implicate many individuals in the bad conduct of only one individual or a small number of individuals.





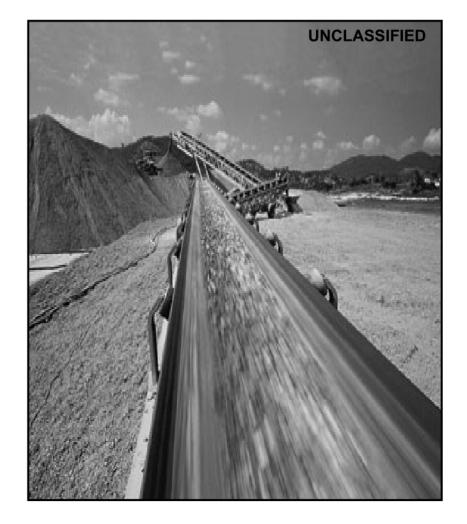
Guilt By Association Example

Which description works better? The animal rights movement group poses a threat to university labs. The group is made up of individuals who are strongly opposed to laboratory testing on animals. The group cites animal rights beliefs to justify violent acts targeting universities that conduct animal testing.



7. Anti-Conveyor Belt Principle

 Civil rights and civil liberties issues are not cured by attributing the problematic information or language to another agency or source



Anti-Conveyor Belt Example

Are there issues with adopting this source report?"The troopers stopped a late model Ford pickup truck traveling on the highway with several unsecured passengers in the cargo bed. As soon as the vehicle stopped, the seven Mexican illegals occupying the vehicle, who had been smuggled into the US, fled into the surrounding desert. They were not apprehended."



Anti-Conveyor Belt Example (cont.)

The troopers pulled over a late model Ford pickup truck traveling on the highway with seven unsecured passengers in the cargo bed. As soon as the vehicle stopped, the occupants fled south into the surrounding desert and were not apprehended.orThe troopers believed the passengers were likely Mexican nationals who had been smuggled into the US due to their fleeing behavior, close proximity to the Mexican border (under 400 yards), a list of six individual names reflecting payment of \$200 per passenger, and two GPS coordinates listed, one for a location in the Mexican desert, and another in the desert outside Tucson. According to the source, immigrant smugglers currently charge around \$200 per person.



Point of Contact Information

 A daily duty reviewer can be reached at:CRCLProductReview@hq.dhs.gov (U)CRCL_Product_Review@dhs.sgov.gov (HSDN)CRCLProductReview@ic.dhs.gov (JWICS)



Unit Summary

 Describe the role of the DHS Office for Civil Rights and Civil LibertiesDescribe civil rights and civil liberties principles in the DHS intelligence enterpriseApply civil rights and civil liberties principles to mitigate risks associated with common scenarios





Homeland Security



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